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June 4, 1993

Ms. Donna R. Searcy
Secretary of the Federal
Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: In the Matter of Joint Petition of the Consumer
Federation of America and the National Cable
Television Association for Rulemaking and Request
for a Federal-State Joint Board - RM-8221;
DA 93-463

Dear Secretary Searcy:

Enclosed please find an original and nine copies of the
Reply Comments of the New York State Department of Public Service
in the above captioned proceeding.

Very truly yours,

Penny Rubin
Assistant Counsel

Enclosures

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1 Protest of the New York State Department of Public
Service, File No. W-P-C-6836 (Filed December 11, 1992),
at 4-5.

assignment of its video dialtone trial costs and how the separated costs would be recovered.

We remain concerned about the treatment of video dialtone trial costs. Despite New York Telephone's assurances, for example, that it will directly assign all video dialtone facilities costs to its trial, the fact is that the company still has not specified in any detail on how it proposes to identify and assign those costs.² New York Telephone's continued reluctance to provide sufficient cost information to the Commission illustrates the inadequacy of the Section 214 process for dealing with cost allocation issues.

~~How does the 214 process adequately address the assignment~~

that only the incremental costs incurred in the provision of the video dialtone basic platform be assigned to the video dialtone trial.⁵ Where the same subscriber loop facilities are used to provide basic telephone and video dialtone services, some portion of those facilities' costs should be assigned to the regulated video dialtone platform. Assuming that the Commission continues to insist that video dialtone is an interstate service, then costs associated with video dialtone service -- both incremental and common costs -- should be assigned entirely to the interstate jurisdiction. In any event, it will be necessary to examine how costs associated with joint-use of subscriber loops shall be assigned and jurisdictionally separated. We therefore favor referring these issues to the 80-286 Joint Board, which was established specifically to examine jurisdictional separations procedures.

Lastly, accepting joint petitioner's request for a rulemaking need not delay the Commission's consideration of pending video dialtone applications. The Commission could defer the costs associated with the video dialtone trials pending completion of its rulemaking. A similar approach was employed successfully by the Commission for recovering the costs

associated with equal access. We see no reason not to employ the same procedure here.

Sincerely,


William J. Cowan / *jc*

William J. Cowan
General Counsel
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of Public Service

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of NYDPS has been mailed by United States first class mail, postage prepaid, this 4th day of June 1993, to the parties listed below.

June 4, 1993


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